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FILED
HARRISBURG

AUG 13 2001

MARY E. D'ANDREA, CLERK
Per SA
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STANLEY F. FROMPOVICZ, JR., CAROL
FROMPOVICZ, t/a FAR AWAY SPRINGS,
Plaintiffs

v.

UNION TOWNSHIP, UNION TOWNSHIP
BOARD OF SUPERVISORS, SUPERVISOR
BARRY L. SWANGER, SUPERVISOR
KENNETH A. KINDT, SUPERVISOR
DAVID A. CARBAUGH, ZONING OFFICER
DONALD TSHUDY, ZONING OFFICER
WILSON JONES, and DAVID MILLER/
ASSOCIATES, INC.,

Defendants

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: NO. 1:CV00-1750
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: JUDGE CALDWELL
:
: JURY TRIAL DEMANDED
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JOINT MOTION FOR ENLARGEMENT OF TIME

AND NOW, come the parties, by and through their respective
counsel, and file this Joint Motion for Enlargement of Time and in support
thereof aver as follows:

1. Following a case management conference on April 17, 2001, this Honorable Court directed that discovery shall be completed by August 31, 2001; all pre-trial motions shall be filed by October 1, 2001, accompanied by a supporting brief; and this case was placed on the December 2001 trial list.

2. During the April 17, 2001 case management conference, the Court encouraged the parties to pursue a negotiated resolution of this land use dispute in that the Union Township Zoning Ordinance does allow intensive to agricultural uses in the agricultural zone by exception.

3. Following discussion between counsel for the Township Defendants and Plaintiffs' counsel, Mr. Frompovicz indicated that he intends to apply for the special exception and is in the process of obtaining the Animal Waste Nutrient Plan required for such an application. According to the individual who is developing the Animal Waste Nutrient Plan, it will take approximately one month to produce.

4. The Township would then need additional time to review the plan and the Plaintiffs' application for a special exception. Accordingly, the parties are seeking a ninety (90) day extension of the case management deadlines to afford an opportunity to resolve this litigation via the special

exception process, thus obviating the need to incur the cost of depositions and/or expert reports.

5. The parties have exchanged written discovery in this matter. In order to complete their expert's review of this matter, Plaintiffs need information and/or documents from the Union Township Defendants.

6. All parties have concurred with the relief sought in this Motion. Plaintiff's counsel has concurred with filing the document as a Joint Motion.

7. If this Motion is granted, the parties feel that there is a real opportunity to resolve this case via processing of the required special exception.

WHEREFORE, the parties respectfully request that this Honorable Court grant this Joint Motion for Enlargement of Time and enter the accompanying Court Order.

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: 

Frank J. Lavery, Jr., Esquire

Atty No. 42370

301 Market St., Suite 800

P.O. Box 1245

Harrisburg, PA 17108-1245

Attys for Union Township Defendants

DATE: 8/13/01

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

STANLEY F. FROMPOVICZ, JR., CAROL	:	
FROMPOVICZ, t/a FAR AWAY SPRINGS,	:	NO. 1:CV00-1750
Plaintiffs	:	
	:	
v.	:	
	:	JUDGE CALDWELL
UNION TOWNSHIP, UNION TOWNSHIP	:	
BOARD OF SUPERVISORS, SUPERVISOR	:	
BARRY L. SWANGER, SUPERVISOR	:	JURY TRIAL DEMANDED
KENNETH A. KINDT, SUPERVISOR	:	
DAVID A. CARBAUGH, ZONING OFFICER	:	
DONALD TSHUDY, ZONING OFFICER	:	
WILSON JONES, and DAVID MILLER/	:	
ASSOCIATES, INC.,	:	
Defendants	:	

CERTIFICATE OF CONCURRENCE

I, Frank J. Lavery, Jr., Esquire, counsel for the Union Township
Defendants, do hereby certify that I have contacted Teri B. Himebaugh,

Esquire (Plaintiffs' counsel) and Jonathan K. Hollin, Esquire, and obtained their concurrence in the attached Joint Motion for Enlargement of Time.

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: 

Frank J. Lavery, Jr., Esquire

Atty No. 42370

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DATE: 8/13/01

CERTIFICATE OF SERVICE

I, Megan L. Renno, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 13th day of August, 2001, I served a true and correct copy of the foregoing Joint Motion for Enlargement of Time via U.S. First Class mail, postage prepaid, addressed as follows:

Teri B. Himebaugh, Esquire
220 Stallion Lane
Schwenksville, PA 19473

Jonathan K. Hollin, Esquire
Powell, Trachtman, Logan, Carrle,
Bowman & Lombardo, P.C.
475 Allendale Road, Suite 200
King of Prussia, PA 19406



Megan L. Renno